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Hon. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room # 100
Washington, DC 20423-0001

Notice of Discontinuance of Operations on Remaining Portion of Rail Line

Re: Joint Petition for Exemption and Waiver of Public Use, Interim Trail Use and Financial Assistance Procedures for Discontinuance of Operations by Fort Worth and Dallas Belt Railroad Company ("FWDB"), Abandonment and Discontinuance of Trackage Rights by Fort Worth and Western Railroad Company ("FWWR") and Abandonment and Discontinuance of Operations by Union Pacific Railroad Company ("Union Pacific") on and of the North Fort Worth Branch from M.P. 633.02 to M.P. 634.25, a distance of 1.23 miles in Tarrant County, Texas; STB Docket No. AB-1038X, STB Docket No. AB-546X and STB Docket No. AB-33 (Sub-No. 280X), respectively.

Dear Ms. Brown:

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By petition filed August 7, 2009, Union Pacific Railroad Company (UP), Fort Worth and Dallas Belt Railroad Company (FWDB), and Fort Worth and Western Railroad Company (FWWR) (collectively, Petitioners) jointly sought an exemption under 49 U.S.C. 10502 from the provisions of 49 U.S.C. 10903 to permit: (1) UP to abandon and discontinue service over a segment of its North Fort Worth Branch line of railroad between milepost 633.02 and milepost 634.25, a distance of approximately 1.23 miles in Tarrant County, TX; (2) FWDB to discontinue operations over the subject line segment; and (3) FWWR to discontinue overhead and local trackage rights over the subject line segment. Petitioners stated that the lease and trackage rights would remain in full force and effect for the remainder of the North Fort Worth Branch.

Petitioners also sought exemption from the offer of financial assistance (OFA) provisions at 49 U.S.C. 10904 and the public use provisions at 49 U.S.C. 10905, and they seek relief from the trail use provisions at 49 CFR 1152.29.

By decision served on November 25, 2009 (November 2009 decision), the Board, under 49 U.S.C. § 10502, granted exemption from the requirements of 49 U.S.C. § 10903 the abandonment and discontinuances as requested by the Petitioners, subject to the employee protective conditions set forth in Oregon Short Line R. Co.—Abandonment—

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Goshen, 360 I.C.C. 91 (1979).

The November 2009 decision also directed Petitioners to continue to provide rail service to Commercial Metals Co. (CM), the only shipper on the line, until CM completed its relocation to a new rail-served facility and that Petitioners not consummate their abandonment and discontinuance authority for the portion of the line needed to serve CM during that time.

In the November 2009 decision, the Board also ordered that, if consummation had not been effected by UP's filing of a notice of consummation by November 25, 2010, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

Under 49 CFR § 1152.29(e)(2), a railroad may, for good cause shown, request an extension of time to file a notice of consummation in abandonment proceedings. On two occasions UP requested and demonstrated good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding.

On December 29, 2009, UP filed a letter stating that it had consummated the abandonment of 2 portions of the North Fort Worth Branch line, one portion extended between milepost 633.02 and milepost 633.44 and the other extended between milepost 634.06 and milepost 634.25, a distance of 0.61 miles in Tarrant County. UP stated that it would not consummate the remaining portion between milepost 633.44 and milepost 634.06 needed to serve CM until CM had relocated.

On October 11, 2010, UP filed a request to extend, until November 25, 2011, the time to file its notice of consummation on the remaining portion of the North Fort Worth Branch, between milepost 633.44 and milepost 634.06, used to continue service to CM until CM completed its relocation. FWDB and FWWR verified that CM, during the process of relocating to its new facility, would require rail service on the remaining portion of the line until June or July of 2011.

Because unforeseen events could cause the final relocation by CM to be delayed, UP stated that a consummation extension of 1 year to November 25, 2011, would be prudent. UP further stated that, if CM's relocation was completed prior to November 25, 2011, as expected, UP would be able to consummate the subject abandonment on a more expedited basis, before November 25, 2011.

By decision served on November 1, 2010, the Board granted UP's request for extension, until November 25, 2011, to file its notice of consummation on the remaining portion of the North Fort Worth Branch, between milepost 633.44 and milepost 634.06, used to continue service to CM until CM completed its relocation.

On April, 15, 2011, UP stated in a letter to the Board that CM had contacted it requesting a short extension of rail service over the above-described remaining portion of the line until December 31, 2011. Thus, UP requested a further extension until December 31, 2011, for the time to file its notice of consummation on the remaining portion. FWDB

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and FWWR verified that CM, during the process of relocating to its new facility, would require rail service on the remaining portion of the line until December 31, 2011.

By decision served on May 2, 2011, the Board granted UP's request for extension, until December 31, 2011, the time to file its notice of consummation on the remaining portion of the North Fort Worth Branch, between milepost 633.44 and milepost 634.06, used to continue service to CM until CM completes its relocation.

By letter filed December 21, 2011, pursuant to 49 CFR 1152.29(e)(2), UP advised the Board that as of December 31, 2011, the UP will have consummated the abandonment and discontinuance of operations over the remaining portion of the North Fort Worth Branch, between milepost 633.44 and milepost 634.06.

FWDB and FWWR, pursuant to 49 CFR 1152.29(e)(2), hereby confirm that, as of December 31, 2011, CM has closed its plant site and no longer required rail service, and accordingly: (1) FWDB has discontinued operations over the subject line segment; and (2) FWWR has discontinued overhead and local trackage rights over the subject line.

FWDB and FWWR have discontinued all operations, cancelled applicable tariffs, and intend that their operations over the subject line segment be removed from the interstate rail network and commerce.

Yours truly,


Paul H. Lambole

PHL/nd

Cc Mack H. Shumate, Jr.
Senior General Attorney, Law Department
Union Pacific Railroad